

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

CYNTHIA HARGROVE,
Plaintiff,

v.

CASE NO.: 4:23-cv-213

SAVANNAH PRIMARY CARE
ASSOCAITES, LLC d/b/a
MEMORIAL HEALTH INT. MED.
WILMINGTON,

Defendant.

ORDER SETTING SETTLEMENT CONFERENCE

This case has been set for a settlement conference before the undersigned on June 6, 2024 at 9:00 AM. The settlement conference will be conducted in-person at the temporary United States Courthouse at 8 Southern Oaks Ct., Savannah, GA 31405. All deadlines in this case are **STAYED** pending the June 6th settlement conference.

The Court believes the parties should fully explore and consider settlement at the earliest opportunity. Early consideration of settlement can prevent unnecessary litigation allowing the parties to avoid the substantial cost, expenditure of time, and stress that are typically part of the litigation process. Even for those cases that cannot be resolved

through settlement, early consideration of settlement allows the parties to better understand the factual and legal nature of their dispute and streamline the issues to be litigated. To that end, the Court offers an informal settlement conference option to parties who choose to participate.

However, consideration of settlement is a serious matter that requires thorough preparation prior to the settlement conference. As a result, and unless otherwise noted, parties are **DIRECTED** to comply with the following procedures in preparation for the settlement conference. Plaintiff and defense counsel are advised to review this order carefully. **FAILURE TO COMPLY WITH THESE PROCEDURES IN A TIMELY MANNER WILL RESULT IN CANCELLATION OF THE CONFERENCE.**

CONFIDENTIAL PARTY SUBMISSIONS

Each party shall email a **confidential, ex parte**¹ letter to undersigned through the Courtroom Deputy Clerk at

¹ As these letters are **confidential**, they **should neither be served on opposing parties nor filed on the docket.**

molly_davenport@gas.uscourts.gov no later than May 23, 2024. The letters should include:

- 1) the history of any settlement negotiations to date and each party's general settlement posture;
- 2) the facts you believe you can prove at trial;
- 3) a candid discussion of both the strengths and weaknesses of each side of the case;
- 4) a description of any liability disputes;
- 5) a representation as to whether discovery has been completed and, if not, what discovery remains;
- 6) the identification of any outstanding motions which could have an effect on settlement;
- 7) an evaluation of the maximum and minimum damage awards you believe likely;
- 8) whether there are any non-monetary compensation arrangements which the parties require (apologies, confidentiality statements, etc.)
- 9) an estimate of the attorneys' fees and costs both to date and through trial; and,
- 10) an estimate of how much time the Court should set aside for the settlement conference.

The letters should be written with candor. The letters should be no more than five pages single-spaced and may contain no more than 10 additional pages of exhibits. Contemporaneously with the emailing of the letters, Plaintiff and defense counsel shall also complete and email to

the Courtroom Deputy Clerk at molly_davenport@gas.uscourts.gov their respective portions of the undersigned's Settlement Conference Worksheet, which is attached to this Order. If any party believes that additional individuals or entities who are currently not parties to the case are necessary participants in any mediation (e.g., third party lien holders), they are directed to indicate so on the Worksheet in the Additional Comments section.

PRE-SETTLEMENT CONFERENCE CALL

The Court will schedule a brief administrative video conference call with Plaintiff and defense counsel for May 29, 2024, at 2:00 PM. In addition to any additional information the parties may wish to share concerning the status of the case, this conference will also serve as an opportunity to finalize any outstanding details such as the format of the conference.

PREPARATION FOR THE SETTLEMENT CONFERENCE²

For many parties, this will be the first time they will participate in a court-supervised settlement conference. Therefore, prior to the

² The Court expects the parties to address each other with courtesy and respect. Parties are encouraged to be frank and open in their discussions. As a result, (unless otherwise agreed upon) statements made by any party during the settlement conference are not to be used in discovery and will not be admissible at trial.

settlement conference, counsel shall provide a copy to, and discuss this Order with, their clients and any other person who will attend the settlement conference. All participants should be prepared to answer the following questions at the settlement conference:

- 1) What are your goals in this litigation and what problems would you like to address in the settlement conference? What do you understand the opposing side's goals to be?
- 2) What issues need to be resolved?
- 3) What are the strengths and weaknesses of your case?
- 4) Do you understand the opposing side's view of the case? What is wrong with their perception? What is right with their perception
- 5) What are the points of agreement and disagreement between the parties? Factual? Legal?
- 6) What are the impediments to settlement? Financial? Emotional? Legal?
- 7) Does settlement or further litigation better enable you to accomplish your goals?
- 8) Are there possibilities for a creative resolution of the dispute?
- 9) Do you have adequate information to discuss settlement? If not, how will you obtain sufficient information to make a meaningful settlement discussion possible?

ATTENDANCE OF PARTIES AND INSURERS REQUIRED

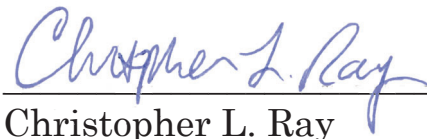
The Court requires that parties and all individuals necessary to accomplish full and complete settlement personally attend the settlement conference. This may include a representative of an insurance company. In either circumstance, an individual with full settlement authority must be present in person. An uninsured corporate party shall appear by a representative authorized to negotiate, and who has full authority to settle the matter. Having a client or insurance representative with authority available only by telephone is not an acceptable alternative, except under the most extraordinary of circumstances and where prior approval of the Court is granted.

CONFERENCE FORMAT

The Court will generally employ a format similar to private mediation: to wit, a joint session with opening remarks by the Court to be followed by a brief (i.e., no more than 10 minute) presentation by each party and then separate caucuses with each party. To the extent the parties feel that a different format would be more helpful (e.g., dispensing with opening statements or separate caucuses), they should

plan to discuss that issue at the Pre-Settlement Conference Call. The Court expects both the lawyers and the party representatives to be fully prepared to participate at the mediation session. The Court encourages all parties to keep an open mind in order to re-assess their previous positions and discover creative means for resolving the dispute.

SO ORDERED this 10th day of April, 2024.



Christopher L. Ray
United States Magistrate Judge
Southern District of Georgia

SETTLEMENT CONFERENCE WORKSHEET
MAGISTRATE JUDGE CHRISTOPHER L. RAY

United States District Court – Southern District of Georgia
8 Southern Oaks Ct.
Savannah Ga, 31405

Molly Davenport, Courtroom Deputy
Office: (912-650-4035)
e-mail: molly_davenport@gas.uscourts.gov

I. Date of Settlement Conference: Click or tap to enter a date.

II. Parties Attending

a. Plaintiff

i. Counsel: _____

ii. Client Representative: _____

Authority to settle? Yes ☐ No ☐

iii. Additional Attendees: _____

Authority to settle? Yes ☐ No ☐

iv. Do the parties request that anyone be permitted to attend via telephone? If so who and why? Such a request will only be granted upon a substantial showing of good cause. Mere convenience shall not be an adequate basis.

b. For the Defendant:

i. Counsel: _____

ii. Client Representative: _____

Authority to settle? Yes ☐ No ☐

iii. Additional Attendees: _____

Authority to settle? Yes ☐ No ☐

iv. Do the parties request that anyone be permitted to attend via telephone? If so who and why? Such a request will only be granted upon a substantial showing of good cause. Mere convenience shall not be an adequate basis.

III. Additional Comments:
